IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 31763 of 2007(F)

PETITIONER:

TOMY.P.J., S/O.JOSEPH,
POZHOLIPARAMBIL HOUSE, KALLOOR,
ANNAMANADA P.O., PIN 680 741
THRISSUR DISTRICT.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:

ANGAMALY MUNICIPALITY, ANGAMALY,
PIN 683 572 ERNAKULAM DISTRICT REPRESENTED BY
ITS SECRETARY.

BY ADV.SRI.V.M.KURIAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.31763 OF 2007

.....

DATED THIS THE 31ST OCTOBER, 2007

J U D G M E N T

Mr.V.M.Kurian, Standing Counsel on instructions from the 1st respondent-Municipality submits that the Municipality is yet to receive Ext.P2 application. The learned counsel for the petitioner now submits that considering Ext.P2 application the same was verbally rejected by the respondent on the reason that the land upon which building is proposed to be constructed is Nilam.

2. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

1) If Ext.P2 application has been received by the Municipality and the Municipality has not passed any orders on the same, the Municipality will consider Ext.P2 in the light of the various grounds raised in this Writ Petition and pass orders. The orders so passed will be communicated to the petitioner.

2) If the Municipality is yet to receive Ext.P2, the petitioner is permitted to file Ext.P2 again in which case the Municipality will consider the same and issue hearing notice to the petitioner and pass

orders on the application to be submitted by the petitioner, if the application is submitted within three weeks of receiving copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

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